

AMENDED IN ASSEMBLY AUGUST 19, 2002

AMENDED IN ASSEMBLY JULY 3, 2002

AMENDED IN SENATE MAY 23, 2002

AMENDED IN SENATE MAY 21, 2002

AMENDED IN SENATE MAY 9, 2002

SENATE BILL**No. 1818**

Introduced by Senator Romero

(Principal coauthors: Assembly Members Chu, Koretz, and
Negrete McLeod)

(Coauthors: Senators Alarcon, Escutia, Kuehl, Perata, and Soto)

*(Coauthors: Assembly Members Alquist, Aroner, Diaz, Firebaugh,
and Jackson)*

February 22, 2002

An act to add Section 3339 to the Civil Code, to add Chapter 17.3 (commencing with Section 7285) to Division 7 of Title 1 of the Government Code, to add Chapter 1 (commencing with Section 24000) to Division 20 of the Health and Safety Code, and to add Chapter 4 (commencing with Section 1400) to Division 4 of the Labor Code, relating to employment laws.

LEGISLATIVE COUNSEL'S DIGEST

SB 1818, as amended, Romero. Employment laws: enforcement actions.

Existing law provides protections, rights, and remedies to persons who have applied for employment, or persons who are employed, in this

state pursuant to provisions in the Civil Code, the Government Code, the Health and Safety Code, and the Labor Code.

This bill would make a legislative finding and declaration that all protections, rights, and remedies available under state law, except as prohibited by federal law, are available to individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state. The bill would further find and declare that for the purposes of enforcing state labor, employment, civil rights, and employee housing laws, a person's immigration status is irrelevant to the issue of liability and no inquiry shall be permitted into a person's immigration status except when necessary to comply with federal immigration law.

This bill would add similar provisions to the Government Code, the Labor Code, and the Health and Safety Code relative to enforcement actions relating to the rights of employees.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3339 is added to the Civil Code, to read:
- 2 3339. The Legislature finds and declares the following:
- 3 (a) All protections, rights, and remedies available under state
- 4 law, except any reinstatement remedy prohibited by federal law,
- 5 are available to all individuals regardless of immigration status
- 6 who have applied for employment, or who are or who have been
- 7 employed, in this state.
- 8 (b) For purposes of enforcing state labor, employment, civil
- 9 rights, and employee housing laws, a person's immigration status
- 10 is irrelevant to the issue of liability, and in proceedings or
- 11 discovery undertaken to enforce those state laws no inquiry shall
- 12 be permitted into a person's immigration status except where the
- 13 person seeking to make this inquiry has shown by clear and
- 14 convincing evidence that this inquiry is necessary in order to
- 15 comply with federal immigration law.
- 16 (c) The provisions of this section are declaratory of existing
- 17 law.
- 18 (d) The provisions of this section are severable. If any
- 19 provision of this section or its application is held invalid, that



1 invalidity shall not affect other provisions or applications that can
2 be given effect without the invalid provision or application.

3 SEC. 2. Chapter 17.3 (commencing with Section 7285) is
4 added to Division 7 of Title 1 of the Government Code, to read:

5
6 CHAPTER 17.3. ENFORCEMENT ACTIONS
7

8 7285. The Legislature finds and declares the following:

9 (a) All protections, rights, and remedies available under state
10 law, except any reinstatement remedy prohibited by federal law,
11 are available to all individuals regardless of immigration status
12 who have applied for employment, or who are or who have been
13 employed, in this state.

14 (b) For purposes of enforcing state labor, employment, civil
15 rights, and employee housing laws, a person's immigration status
16 is irrelevant to the issue of liability, and in proceedings or
17 discovery undertaken to enforce those state laws no inquiry shall
18 be permitted into a person's immigration status except where the
19 person seeking to make the inquiry has shown by clear and
20 convincing evidence that the inquiry is necessary in order to
21 comply with federal immigration law.

22 (c) The provisions of this section are declaratory of existing
23 law.

24 (d) The provisions of this section are severable. If any
25 provision of this section or its application is held invalid, that
26 invalidity shall not affect other provisions or applications that can
27 be given effect without the invalid provision or application.

28 SEC. 3. Chapter 1 (commencing with Section 24000) is added
29 to Division 20 of the Health and Safety Code, to read:

30
31 CHAPTER 1. ENFORCEMENT ACTIONS
32

33 24000. The Legislature finds and declares the following:

34 ~~(a) For purposes of enforcing state labor, employment, civil~~
35 ~~rights, and employee housing laws, all protections, rights, and~~

36 (a) All protections, rights, and remedies available under state
37 law, except any reinstatement remedy prohibited by federal law,
38 are available to all individuals regardless of immigration status
39 who have applied for employment, or who are or who have been
40 employed, in this state.

(b) For purposes of enforcing state labor and employment laws, a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no inquiry shall be permitted into a person's immigration status except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

(c) The provisions of this section are declaratory of existing law.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Chapter 4 (commencing with Section 1400) is added to Division 4 of the Labor Code, to read:

CHAPTER 4. ENFORCEMENT ACTIONS

1400. The Legislature finds and declares the following:

~~(a) For purposes of enforcing state labor, employment, civil rights, and employee housing laws, all protections, rights, and~~

(a) All protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state.

(b) For purposes of enforcing state labor and employment laws, a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no inquiry shall be permitted into a person's immigration status except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

(c) The provisions of this section are declaratory of existing law.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that

- 1 invalidity shall not affect other provisions or applications that can
- 2 be given effect without the invalid provision or application.

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